

Chapter 10. Solid Waste Cleanup Program

Article 1. Authority

§ 18900. Scope.

(a) Regulations contained herein are promulgated pursuant to Public Resources Code Article 2.5 of Chapter 2 of Part 7 of Division 30. The regulations implement the Solid Waste Cleanup Program, a program for the cleanup of solid waste at disposal sites and solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation and where cleanup is needed to protect public health and safety and/or the environment.

(b) In implementing this program the Board is vested, in addition to its other powers, with all the powers of an enforcement agency under Division 30 of the Public Resources Code.

(c) In administering the program authorized by Public Resources Code section 48020 et seq. the Board may:

- (1) Expend funds directly for remedial action;
- (2) Provide loans to responsible parties who demonstrate the ability to repay state funds for remedial actions on solid waste disposal sites and codisposal sites;
- (3) Provide matching grants to local governments for remedial actions on solid waste disposal sites and codisposal sites; and
- (4) Provide grants to certified local enforcement agencies for the abatement of illegal disposal sites.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Sections 48021(b), 48021(c), and 48023(b), Public Resources Code.

Article 2. Definitions

§ 18901. Definitions.

For the purposes of this Chapter:

- (a) "Abandoned site" means a site where no responsible party can be identified or located.
- (b) "Agreement" means a memorandum of understanding between the Board and a local government.

1 (c) "Applicant" means a person or an entity applying for a loan, matching grant, grant, or remediation
2 managed by the California Integrated Waste Management Board.

3 (d) "Board" means the California Integrated Waste Management Board.

4 (e) "Borrower" means an applicant whose loan application has been approved and who has executed a loan
5 agreement.

6 (f) "Closed site" means a disposal site that has ceased accepting waste and was closed in accordance with
7 applicable statutes, regulations, and local ordinances in effect at the time.

8 (g) "Codisposal site" means a hazardous substance release site listed pursuant to section 25356 of the
9 Health and Safety Code where the disposal of hazardous substances, hazardous wastes, and solid waste have
10 occurred.

11 (h) "Grant recipient" means an applicant whose grant application has been approved and who has executed
12 a grant agreement pursuant to Public Resources Code section 48021(b).

13 (i) "Illegal disposal site" means:

14 (1) A site where unauthorized disposal of solid waste has taken place to the extent that cleanup may be
15 required to protect public health and safety and/or the environment, and

16 (2) The site is not permitted and not exempt from obtaining a permit and is not closed or excluded from the
17 requirement to obtain a Solid Waste Facilities Permit.

18 (j) "Local government" means a local public entity which is a county, city, district, or any other political
19 subdivision deemed eligible by the Board, but does not include the State.

20 (k) "Nuisance" includes anything which is injurious to human health or is indecent or offensive to the
21 senses and interferes with the comfortable enjoyment of life or property, and affects at the same time affects an
22 entire community, neighborhood, household or any considerable number of persons although the extent of the
23 annoyance or damage inflicted upon an individual may be unequal and which occurs as a result of the storage,
24 removal, transport, processing or disposal of solid waste.

25 (l) "Remedial action" means any action to abate, prevent, minimize, stabilize, mitigate, or eliminate a threat
26 to public health and safety and/or the environment.

1 (m) "Repayment amount" means the amount equal to the amount expended by the Board for cleanup, a
2 reasonable amount for Board's cost of contract administration, and an amount equal to the interest that would have
3 been earned on the funds expended for cleanup.

4 (n) "Responsible party" means:

5 (1) Any individual; trust; firm; joint stock company; Native American tribe; corporation, including a
6 government corporation; partnership; joint venture; association; city; county; district; the state, including any
7 department or agency thereof; or any department or agency of the United States to the extent authorized by federal
8 law, who at the time of disposal of any solid waste owned the property;

9 (2) The present owner or operator of the site at which solid waste has been deposited;

10 (3) Any individual; trust; firm; joint stock company; Native American tribe; corporation, including a
11 government corporation; partnership; joint venture; association; city; county; district; the state, including any
12 department or agency thereof; or any department or agency of the United States to the extent authorized by federal
13 law who by contract, agreement or otherwise arranged for the transportation to and/or disposal of solid waste at the
14 site;

15 (4) Any individual; trust; firm; joint stock company; Native American tribe; corporation, including a
16 government corporation; partnership; joint venture; association; city; county; district; the state, including any
17 department or agency thereof; or any department or agency of the United States to the extent authorized by federal
18 law who was the owner or custodian of the solid waste that was deposited on the site.

19 (5) The term "responsible party," as defined above, may only be construed within the context of this Article
20 and Public Resources Code sections 48020 et seq. and shall not be interpreted under any other local, state, or federal
21 statute.

22 (o) "Responsible party is unable to pay" means:

23 (1) The responsible party does not currently, or would not within a time frame considered by the Board to
24 be reasonable for timely site remediation, have the financial ability, as verified by independent audit, financial
25 statements, or other documentation acceptable to Board, to pay the costs of remediation necessary to protect the
26 public health and safety and/or the environment and has made reasonable efforts to raise funds for cleanup.

(2) The responsible party does not have the legal power or authority to perform required site cleanup.

(p) "Responsible party is unwilling to pay" means:

(1) The responsible party has financial ability to pay for the costs of remediation necessary to protect public health and safety and/or the environment, has been issued an enforcement order to perform remediation, and has refused to comply with the order, or

(2) The responsible party has otherwise demonstrated unwillingness to pay.

(q) "Responsible party cannot be identified" means the responsible party cannot be identified or found after a search of public records, investigation, and consultation with other enforcement agencies.

(r) "Threat" or "threaten" means a condition creating a probability of substantial harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, natural resources, or the public health or safety.

(s) "Trust Fund" means the Solid Waste Disposal Site Cleanup Trust Fund created pursuant to Public Resources Code section 48027 of Article 2.5 of Chapter 2 of Part 7 of Division 30.

(t) "Surplus Money Investment Fund" means the fund in which excess state moneys are invested until the money is needed for its intended purpose. The fund is administered by the state treasurer's office.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

Article 3. Site Selection and Ranking Criteria

§ 18902. Site Eligibility.

Candidate sites may be eligible for funding if:

(a) The site is a solid waste disposal site, codisposal site, or illegal disposal site as defined in Section 18901;

(b) The responsible party either cannot be identified, located, or is unable or unwilling to pay for timely and proper remediation; and

(c) Remedial action is required to protect public health and safety and/or the environment.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Sections 48020(b) and 48021(c), Public Resources Code.

1 **§ 18903. Site Prioritization.**

2 (a) The Board shall prioritize sites for eligibility based on the following factors:

3 (1) The ability of the site owner and or responsible parties to promptly and properly remediate the site
4 without monetary assistance;

5 (2) The ability of the Board to adequately remediate the site with available funds;

6 (3) The maximization of available funds;

7 (4) The availability of other appropriate federal or state response mechanisms to respond to the threat;

8 (5) The actual or potential degree of risk to public health and safety and/or the environment posed by
9 conditions at the site as determined either by:

10 (A) The Solid Waste Ranking System for solid waste disposal sites, including burn dumps, and codisposal
11 sites; or

12 (B) The Illegal Disposal Site Ranking System for illegal disposal sites.

13 (6) The ability of the Board to obtain site access for the proposed remediation

14 (7) Other situations or factors that may pose threats to the public health and safety and/or the environment.

15 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Sections 48020(b) and
16 48021(a), Public Resources Code.

17
18 **§ 18904. Eligible and Ineligible Remedial Actions.**

19 (a) Remedial actions taken pursuant to the Solid Waste Cleanup Program shall, to the extent practicable,
20 contribute to the efficient performance of any anticipated long-term remedial action with respect to the specific
21 threat to public health and safety and/or the environment addressed under the program.

22 (b) Remedial actions that are appropriate for the use of funds include, but are not limited to: waste removal
23 and disposal; security measures such as fences and warning signs; drainage controls; slope and foundation
24 stabilization; excavation, consolidation, and capping of waste areas; extinguishing underground landfill fires; field
25 and laboratory testing; and installation of landfill gas and leachate control systems. This list is not exhaustive and
26 shall not prevent the Board from taking other necessary and appropriate actions and does not create a duty on the
Board to take action at any particular time.

(c) Ineligible actions include, but are not limited to: closure as defined in Section 20164 of Title 27, Division 2 of the California Code of Regulations; ground water remediation; operation and maintenance of leachate, surface water, or vadose zone monitoring systems; closure and postclosure maintenance services; improvements to property for postclosure land uses; preparation of closure or postclosure maintenance plans; removal, abatement, cleanup or otherwise handling of hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. section 9601(14)]; and other actions determined ineligible by the Board.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

Article 4. Loans to Local Governments

§ 18905. Purpose.

(a) The Board may make loans directly from the trust fund to local government to assist in site remedial actions. The loans shall be used to assist the Board in complying with Public Resources Code section 48020 et seq.

(b) The regulations contained in this Article set forth the requirements to apply for and receive loan funds from the trust fund.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48021(b), Public Resources Code.

§ 18906. Loan Eligibility.

(a) Loans are available only to local governments which demonstrate:

(1) The site remediation is needed to protect public health and safety and/or the environment; and

(2) The ability to repay the loan and to pay for costs of remediation that exceed the loan amount.

(b) The loan applicant must be a responsible party.

(c) Loan funds may be used only for those eligible costs pursuant to Section 18904.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48021(b), Public Resources Code.

1 **§ 18907. Loan Requirements.**

2 (a) Loans made pursuant to this Article shall be subject to the following requirements:

3 (1) The terms of any approved loan shall be specified in a loan agreement between the borrower and the
4 Board. Notwithstanding any term of the agreement, any recipient of a loan that the Board approves shall repay the
5 principal amount plus interest on the basis of the rate of return for money in the Surplus Money Investment Fund at
6 the time of the loan.

7 (2) The Board shall not finance more than one million dollars (\$1,000,000) per site.

8 (3) The term of any loan made pursuant to this Article shall be not more than 20 years.

9 (4) The money from any loan repayments and fees, including, but not limited to, principal and interest
10 payments, fees and points, administrative fees, recovery of collection costs, income earned on any asset recovered
11 pursuant to a loan default, and funds collected through foreclosure actions shall be deposited in the trust fund.

12 (5) The Board or the Department of Finance may audit the recipient's records regarding moneys received
13 pursuant to this Article.

14 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48027(b)(3),
15 Public Resources Code.

16
17 **§ 18908. Loan Application Process.**

18 (a) Applications from local governments for loan funds shall be accepted on a continuous basis.

19 (b) Jurisdictions with eligible sites shall submit applications on forms approved by and provided by the
20 Board.

21 (c) All materials submitted shall become property of the Board and will be retained for a minimum of three
22 years.

23 (d) Documents required in subsection (b) of this section shall be submitted to the principal place of
24 business of the California Integrated Waste Management Board.

25 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

1 **§ 18909. Preliminary Review of Loan Applications.**

2 (a) Upon receipt, Board staff shall review each local government application to determine whether the
3 application is complete. Within thirty (30) days of receiving the application Board staff shall send a letter to the
4 local government with one of the following responses:

5 (1) The local government application is incomplete with specification of the steps, if any, that the applicant
6 may take to correct the identified deficiencies. Applications that fail to supply the required information shall
7 rejected from consideration for a loan; or

8 (2) The applicant is ineligible for a loan pursuant to Section 18906 of this Article; or

9 (3) The applicant is eligible for a loan pursuant to Section 18906 of this Article, the application is complete,
10 and the application shall be evaluated by Board staff.

11 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.
12

13 **§ 18910. Review of Complete Loan Applications and Board Approval.**

14 (a) Upon determination that an application is complete, Board staff shall review each application and
15 prepare a summary of findings. Applicants which meet the following criteria shall sent to the appropriate
16 Committee, if necessary, for final recommendation to the Board:

17 (1) The source of repayment is sufficient for the requested loan amount; and

18 (2) The applicant has adequately demonstrated the appropriateness of the loan for use in the project as
19 specified pursuant to Section 18906(c) of this Article.

20 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.
21

22 **§ 18911. Loan Agreement.**

23 (a) If the Board approves the loan, the applicant and the Board shall enter into a written loan agreement that
24 identifies and ensures compliance with the terms and conditions specified in Section 18907 of this Article and any
25 other special conditions or terms which the Board deems necessary.

26 (b) All funds shall be disbursed and repaid pursuant to the terms of the loan agreement.

1 (c) The borrower shall obtain prior written approval from the Board, or its designated representative, for
2 any changes in the loan agreement. All requests shall include a description of the proposed change(s) and the
3 reason(s) for the change(s).

4 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

5
6 **§ 18912. Financial Condition Notification.**

7 (a) During the application process and any time thereafter, it shall be the responsibility of the applicant or
8 borrower to immediately notify the Board of any change in financial condition that would make them:

9 (1) Financially able to perform remedial action without Trust Funds; or

10 (2) Unable to repay the loan; or

11 (3) Unable to pay for remedial action costs that exceed the loan amount.

12 (b) Any such changes in conditions or failure to notify the Board of any such changes in conditions may
13 nullify eligibility for use of Trust Funds.

14 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

15
16 **Article 5. Grants to Local Enforcement Agencies**

17 **§ 18913. Purpose.**

18 (a) The Board may make grants directly from the trust fund to Board certified Local Enforcement Agencies
19 to assist in site remediation actions. Grants shall be used to assist the Board in complying with Public Resources
20 Code section 48020 et seq.

21 (b) The regulations contained in this Article set forth the requirements to apply for and receive grant funds
22 from the trust fund.

23 NOTE: Authority cited: Section 40502 and 48025, Public Resources Code. Reference: Section 48021(c), Public
24 Resources Code.

1 **§ 18914. Local Enforcement Agency Grant Eligibility.**

2 (a) Grants are available only to Board certified Local Enforcement Agencies that demonstrate the
3 following:

4 (1) The illegal disposal site remedial action necessary to protect public health and safety and/or the
5 environment; and

6 (2) Who are authorized by resolution of their local governments to file an application with the Board for
7 grant funds and enter into and execute a grant agreement.

8 (b) Grants to Local Enforcement Agencies may only be used for remedial actions at illegal disposal sites
9 within their jurisdiction.

10 (c) Grant funds may be used only for those eligible costs pursuant to Section 18904.

11 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48021(c), Public
12 Resources Code.

13
14 **§ 18915. Local Enforcement Agency Grant Requirements.**

15 (a) Grants made pursuant to this Article shall be subject to the following requirements:

16 (1) The terms of any approved grant shall be specified in a grant agreement between the grant recipient and
17 the Board.

18 (2) The Board shall not finance more than five hundred thousand dollars (\$500,000) per site.

19 (3) The Board or the Department of Finance may audit the recipient's records regarding moneys received
20 pursuant to this Article.

21 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48027(b)(3),
22 Public Resources Code.

23
24 **§ 18916. Local Enforcement Agency Grant Application Process.**

25 (a) Applications for grant funds shall be accepted on a continuous basis.
26

1 (b) Jurisdictions with eligible sites shall submit applications on forms approved by and provided by the
2 Board. All materials submitted shall become the property of the Board and will be retained for a minimum of three
3 years.

4 (c) Documents required in subsection (b) shall be submitted to the principal place of business of the
5 California Integrated Waste Management.

6 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

7
8 **§ 18917. Preliminary Review of Grant Applications.**

9 (a) Upon receipt, Board staff shall review each application to determine whether the application is
10 complete. Within thirty (30) days of receiving the application Board staff shall send a letter to the applicant with
11 one of the following responses:

12 (1) The application is incomplete with specification of the deadline and steps, if any, which the applicant
13 may take to correct the identified deficiencies. Following receipt of such notice, applicants that fail to supply the
14 required information shall be rejected from consideration for a grant.

15 (2) The applicant is ineligible for a grant based on failure to meet criteria under Section 18914 of this
16 Article; or

17 (3) The applicant is eligible for a grant pursuant to Section 18914 of this Article, that the application is
18 complete, and that the application shall be evaluated by Board staff.

19 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

20
21 **§ 18918. Review of Complete Grant Applications and Board Approval**

22 (a) Upon determination that an application is complete, Board staff shall review each application and
23 prepare a summary of findings. Applications which meet the following criteria shall be considered by the
24 appropriate Committee, if necessary, for final recommendation to the Board:

25 (1) The Local Enforcement Agency shall provide ongoing inspection and enforcement action to prevent
26 recurring use of the illegal disposal site; and

(2) The applicant has adequately demonstrated the appropriateness of the grant for use in the project as specified pursuant to Section 18904 of this Chapter.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48021(c), Public Resources Code.

§ 18919. Local Enforcement Agency Grant Agreement.

(a) If the Board approves the grant, the applicant and the Board shall enter into a written grant agreement that identifies and ensures compliance with the terms and conditions specified in Section 18915 and any other special conditions or terms which the Board may deem necessary.

(b) All funds shall be disbursed pursuant to the terms of the grant agreement.

(c) The grant recipient must obtain prior written approval from the Board, or its designated representative, for any changes in the grant agreement. All requests must include a description of the proposed change(s) and the reason(s) for the change(s).

(d) The Board may terminate any grant in whole, or in part, at any time prior to the date of completion whenever it is determined by the Board that the recipient has failed to comply with the terms of the grant agreement. The Board shall notify the recipient in writing of the reasons for the termination of the grant and the effective date of the termination within five working days of the determination to terminate.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

Article 6. Matching Grants to Local Governments

§ 18920. Purpose.

(a) The Board may make matching grants directly from the trust fund to local governments to assist in site remedial actions. The grants shall be used to assist the Board in complying with Public Resources Code section 48020 et seq.

(b) The regulations contained in this Article set forth the requirements to apply for and receive matching grant funds from the trust fund.

1 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48021(b), Public
2 Resources Code.

3
4 **§ 18921. Matching Grant Eligibility.**

5 (a) Matching grants are available only to local governments which demonstrate the following:

6 (1) The site remedial action is needed to protect public health and safety and/or the environment; and

7 (2) The ability to pay the costs of remedial action that exceed the grant amount.

8 (b) The matching grant applicant must a responsible party.

9 (c) Matching grant funds may be used only for those eligible costs pursuant to Section 18904.

10 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48021(b), Public
11 Resources Code.

12
13 **§ 18922. Matching Grant Requirements.**

14 (a) Matching grants made pursuant to this Article shall be subject to the following requirements:

15 (1) The terms of any approved grant shall be specified in a matching grant agreement between the matching
16 grant recipient and the Board.

17 (2) The Board shall finance up to and not more than 50 percent of the cost of any project up to a maximum
18 of seven hundred and fifty thousand dollars (\$750,000) per site.

19 (3) The Board or the Department of Finance may audit the recipient's records regarding moneys received
20 pursuant to this Article.

21 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48027(b)(3),
22 Public Resources Code.

23
24 **§ 18923. Matching Grant Application Process.**

25 (a) Applications for matching grant funds shall be accepted on a continuous basis.

26 (b) Jurisdictions with eligible sites shall submit applications on forms approved and provided by the Board.

All materials submitted will become property of the Board and will be retained for a minimum of three years.

(c) Documents required in subsection (b) shall be submitted to the principal place of business of the California Integrated Waste Management Board.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

§ 18924. Preliminary Review of Matching Grant Applications.

(a) Upon receipt, Board staff shall review each application to determine whether the application is complete. Within thirty (30) days of receiving the application Board staff shall send a letter to the applicant with one of the following responses:

(1) The application is incomplete and specifying the deadline and steps, if any, which the applicant may take to correct the identified deficiencies. Following receipt of this notice, applicants that fail to take the specified steps or to supply the required information shall have their applications rejected; or

(2) The applicant is ineligible for a matching grant pursuant to Section 18921 of this Article; or

(3) The applicant is eligible for a matching grant pursuant to Section 18921 of this Article, that the application is complete, and that the application shall be evaluated by Board staff.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

§ 18925. Review of Complete Matching Grant Applications and Board Approval

(a) Upon determination that an application is complete, Board staff shall review each application and prepare a summary of findings. Applications which meet the following criteria shall be considered by the appropriate Committee, if necessary, for final recommendation to the Board:

(1) The source of payment is sufficient for the amount of funds that exceed the matching grant amount; and

(2) The applicant has adequately demonstrated the appropriateness of the matching grant for use in the project as specified pursuant to Section 18922(c) of this Article.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48021(c), public Resources Code.

1 **§ 18926. Matching Grant Agreement.**

2 (a) If the Board approves the matching grant, the applicant and the Board shall enter into a written
3 matching grant agreement that identifies and ensures compliance with the terms and conditions specified in Section
4 18923 and any other special conditions or terms which the Board may deem necessary.

5 (b) All funds shall be disbursed pursuant to the terms of the grant agreement.

6 (c) The matching grant recipient must obtain prior written approval from the Board, or its designated
7 representative, for any changes in the matching grant agreement. All requests must include a description of the
8 proposed change(s) and the reason(s) for the change(s).

9 (d) The Board may terminate any matching grant in whole, or in part, at any time prior to the date of
10 completion, whenever it is determined by the Board as a whole, that the recipient has failed to comply with the
11 terms of the matching grant agreement. The Board shall notify the recipient in writing of the reasons for the
12 termination of the matching grant and the effective date of the termination within five working days of the
13 determination.

14 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.
15

16 **§ 18927. Financial Condition Notification.**

17 (a) During the application process and any time thereafter, it shall be the responsibility of the applicant or
18 matching grant recipient to immediately notify the Board of any change in financial condition that would make them
19 either:

20 (1) Financially able to perform remedial action without Trust Funds; or

21 (2) Unable to pay for remedial action costs that exceed the matching grant amount.

22 (b) Any such changes in conditions and or failure to notify the Board of any such changes in conditions
23 may nullify eligibility for use of Trust Funds.

24 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.
25
26

Article 7. Board Managed Remediations

§ 18928. Purpose.

(a) The Board may decide to expend available moneys to perform any cleanup, abatement, or remedial action work required under the provisions set forth in Section 18904 which is required by the magnitude of the endeavor or the need for prompt action to prevent substantial pollution, nuisance, or injury to public health or safety and/or the environment. The action may be taken in default of, or in addition to remedial work by the responsible party or other persons and regardless of whether injunctive relief is being sought.

(b) The Board may perform the work itself or in cooperation with any other governmental agency. Notwithstanding any other provisions of the law, the Board may enter into oral contracts for that work, and the contracts, whether written or oral, may include provisions for equipment rental and in addition the furnishing of labor and materials necessary to accomplish the work. The contracts are exempt from approval by the Department of General Services pursuant to section 10295 of the Public Contract Code.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: 48021(b), Public Resources Code.

§ 18929. Cost Recovery.

(a) If a remedial action is taken in the case of threatened pollution or nuisance by the Board and/or any governmental agency, any costs incurred by the Board and/or governmental agency are recoverable from the responsible party or parties who unlawfully caused such a condition. Any and all responsible parties are joint and severably liable for any such costs. The amount of those costs shall be recoverable in a civil action by, and paid to, the governmental agency and the Board to the extent of the latter's contribution to the cleanup costs from available funds.

(b) Reasonable costs shall include the amount expended, the Board's costs of contract administration, and an amount equal to the interest that would have been earned on the expended funds.

(c) Any and all responsible parties are joint and severably liable.

(d) The entry of judgement against any party to the action does not bar any future action by the trust fund against any person who is later discovered to be potentially liable for costs paid from the trust fund.

1 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48023, Public
2 Resources Code.

3
4 **§ 18930. Responsible Party Identification.**

5 If, despite reasonable efforts by the Board to locate the person(s) responsible for the condition of pollution
6 or nuisance, the person is not identified at the time of cleanup, abatement, or remedial action work must be
7 performed, the Board shall not be required to issue an order under this Chapter.

8 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

9
10 **§ 18932. Eligibility.**

11 Funds may be used only for those costs eligible pursuant to Section 18904.

12 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code. Reference: Section 48021(b), Public
13 Resources Code.

14
15 **§ 18933. Board Approval**

16 Upon determination that a site is eligible pursuant to Section 18904 of this Chapter, the site shall be
17 considered by the appropriate Committee, if necessary, for final recommendation to the Board.

18 NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.